

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/3/2024
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK


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XTI AEROSPACE, INC.,	:	
	:	
Petitioner,	:	1:24-cv-6590-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
CHARDAN CAPITAL MARKETS LLC,	:	
	:	
Respondent.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On August 30, 2024, Petitioner filed a petition to stay arbitration. Dkt. No. 1. “[T]he summary judgment standard is appropriate in cases where the District Court is required to determine arbitrability, regardless of whether the relief sought is an order to compel arbitration or to prevent arbitration.” *Bensadoun v. Jobe-Riat*, 316 F.3d 171, 175 (2d Cir. 2003). Accordingly, it is hereby ORDERED that Petitioners shall file and serve a statement pursuant to Local Civil Rule 56.1 and any additional materials with which they intend to support the petition, including any affidavits or declarations attesting that the exhibits to the petition are true and correct copies of what they purport to be, no later than November 3, 2024. Respondent’s opposition is due four weeks following the date of service of Petitioner’s filings. Petitioners’ reply, if any, is due two weeks following the date of service of Respondent’s opposition.

The initial pre-trial conference currently scheduled for October 16, 2024 is adjourned *sine die*.

SO ORDERED.

Dated: October 3, 2024  
New York, New York

  
 GREGORY H. WOODS  
 United States District Judge